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DATE MAILED: 09/06/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,990 12/10/2001		Mark F. Bocko	176/61060 (2-1144-1026) 3504	
75	90 09/06/2005		EXAM	INER
Gunnar G. Lei NIXON PEABO			BURD, KEVI	N MICHAEL
Clinton Square		ART UNIT	PAPER NUMBER	
P.O. Box 31051 Rochester NY	14603		2631	

Please find below and/or attached an Office communication concerning this application or proceeding.

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Examiner   Servi M. Burd   2631   2641   2631   2641   2631   2	. ,	Applicati	on No.	Applicant(s)				
Revin M. Burd   2631	0,50	10/015,9	90	BOCKO ET AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of mem mybe exhibited under the provisions of 30° FRI 13360, in no event, however, may a reply the timely filed  If NO pende for raply is specified above, the maximum statistop printed will apply and will expire SIX (8) MONTHS from the mating date of this communication.  Palmice for two which the service desired depied for raply will, by statistic, castion is sepatication for the specified for the service of 15° to 50° JC R 1.78(1).  Any reply received by whe office laser than these months after the mailing date of this communication.  Palmice for secure ABANDONED GIS US. C; 13.33.  Any reply received by the office laser than these months after the mailing date of this communication.  Palmice for secure ABANDONED GIS US. C; 13.30.  Status  I) □ Responsive to communication(s) filled on 13 July 2005.  23 □ This action is FINAL.  2b □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-24 is/are pending in the application.  4) □ Claim(s) 1-24 is/are allowed.  6) □ Claim(s) 1-24 is/are allowed.  6) □ Claim(s) 1-24 is/are rejected.  7) □ Claim(s) 1-34 is/are objected to by the Examiner.  9) □ The specification is objected to by the Examiner.  9) □ The proving of the proving of the proving of the proving of the drawing(s) is objected to by the Examiner.  Application Papers  9) □ The drawing(s) filled on 7/23/2003 is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  10 □ The drawing(s) filed on 7/23/2003 is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  11 □ Carlid	Office Action Summary	Examine	r	Art Unit				
Pariod for Reply  A SHORTENEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILLING DATE OF THIS COMMUNICATION.  Set of the Data Inches in the National Control of the National Control o								
WHICHEVER IS LONGER, FROM THE MALLING DATE OF THIS COMMUNICATION.  Editarions of often may be earbite under the previous of 30 FFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the maining date of this communication.  Failure to page within the act or extended period for reply with pristance will apply and will expire SIX (6) MONTHS from the maining date of this communication.  Failure to page within the act or extended period for reply with pristance will expire and put the become ABAND-CHBC GIS U.S. C. § 137).  Any reply received by the Office Ister than three months after the mailing date of this communication, even if timely filed, may reduce any searned patient term education.  1) Responsive to communication(s) filed on 13.1uly 2005.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-24 is/are pending in the application.  4) Claim(s) 1-24 is/are pending in the application.  4) Claim(s) 1-24 is/are rejected.  5) Claim(s) 1-24 is/are rejected.  5) Claim(s) 1-24 is/are rejected.  5) Claim(s) 1-32 is/are objected to.  8) Claim(s) 1-32 is/are objected to.  8) Claim(s) 1-32 is/are objected to by the Examiner.  10) The drawing(s) filed on 72/32/20/3 is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some 'c) None of:  1. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have bee	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
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1. This office action, in response to the amendment filed 7/13/2005, is a final office action.

### Response to Arguments

- 2. Applicant's arguments, see the remarks filed 7/13/2005, with respect to the rejections of claims 1-24 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made in view of Gourgue et al (US 5,742,612).
- 3. New objections to the drawings and rejections of the claims under 35 USC 112, first paragraph are stated below. The objection and rejections are necessitated by the amendment.

#### **Drawings**

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "originally adjacent elements in the source sequence are separated by either a second number of elements in the interleaved sequence or the second number plus one" must be shown or the features canceled from the claims. No new matter should be entered. Figure 6 of the instant application appears to show both of these limitations. The distance between "0" and "1" appears to be "a second number" and the distance between "4" and "5" appears to be a "second number plus one". However, figure 6 also appears to show the distance

between "J" and "0" is neither "a second number" nor "a second number plus one". Clarification or correction is required.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

## Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1, 7 and 13 recite the limitation the "originally adjacent elements in the source sequence are separated by either a second number of elements in the interleaved sequence or the second number plus one". Figure 6 of the instant application appears to show both of these limitations. The distance between "0" and "1" appears to be "a second number" and the distance between "4" and "5" appears to be a "second number plus one". However, figure 6 also appears to show the distance between "J" and "0" is neither "a second number" nor "a second number plus one". Clarification or correction is required. Claims 2-6, 8-12 and 14-24 are rejected due to dependence on claims 1, 7 or 13.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claims 1, 2, 7, 8, 13, 14 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gourgue et al (US 5,742,612).

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Regarding claims 1, 7, 13 and 19-24, Gourgue discloses a method of communicating using interleaving. Elements are interleaved according to figure 2. Elements from the source sequence are interleaved to form an interleaved sequence. Adjacent elements in the interleaved sequence originally were separated by a first number of elements in the source sequence. Figure 2 discloses this distance as b=0. The originally adjacent elements in the source sequence are separated by a second number of elements in the interleaved sequence. Figure 2 discloses this distance as a=4. The second number (a) is at least one. The first number (b) is adjustable and can be any number from "0" to "N-1" where "N" is the number of source sequence elements. The interleaved sequence is transmitted as shown in figure 1.

Regarding claims 2, 8 and 14, figure 1 shows receiving the interleaved sequence and deinterleaving the received sequence.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 3, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gourgue et al (US 5,742,612) in view of Soneda et al (US 4,441,184).

Regarding claims 3, 9 and 15, Gourgue discloses a method and apparatus for interleaving data as stated in paragraph 6. Gourgue does not disclose interpolating the

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recovered data for errors. Soneda discloses an interpolation stage for compensating of uncorrectable erroneous data words in column 3, lines 13-20. This allows uncorrectable errors to be compensated for so down stream elements do not process the erroneous information. It would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate Soneda into the method and apparatus of Gourgue for the reason stated above.

#### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the

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3008. The examiner can normally be reached on Monday - Friday 9 am - 5 pm.

examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin M. Burd 9/1/2005

KEVIN BURD
PRIMARY EXAMINER